



DEPARTMENT OF ADMINISTRATIVE SERVICES



STATE OF CONNECTICUT

165 Capitol Avenue
Hartford, CT 06106-1658

Senate Bill 962

AN ACT CONCERNING SERVICE OF PROCESS BY CONSTABLES

Judiciary Committee

April 1, 2011

The State Marshal Commission (SMC), an independent division of the Department of Administrative Services (DAS), is responsible for overseeing the state marshal system. In this capacity, DAS offers the following testimony regarding Senate Bill 962, *An Act Concerning Service of Process by Constables*.

Currently, a constable is authorized to serve process only in the towns in which he or she resides. Senate Bill 962 significantly changes the landscape in which civil process is served in Connecticut by allowing constables to serve process not just in their own towns but also anywhere within the judicial district in which they reside. Constables, therefore, would have the same authority as state marshals to serve process in civil proceedings and to enforce the collection of judgments, or other court or administrative orders, including wage, bank and property executions, evictions and tax warrants. It also appears that constables may be authorized to execute civil *capias* warrants to take into custody individuals in child support matters.

Unlike state marshals, however, constables are not required to take an examination and go through a background investigation prior to appointment or abide by SMC training requirements, professional standards, audit policies, or administrative procedures. Likewise, constables are not statutorily required to obtain personal liability insurance or pay an annual administrative fee to the State. If a citizen has a complaint against a state marshal, the SMC is authorized to investigate the complaint, hold an administrative hearing and take disciplinary action against the marshal. No such process exists with regard to constables.

The legislature has determined that the service of process is a critical element in the administration of judicial proceedings and, thus, marshals must be subject to strict requirements and oversight. Because constables are not subject to any such requirements or oversight, DAS is concerned that SB 962 may have the unintended consequence of undermining the state marshal system and, ultimately, the efficient and fair administration of the judicial and administrative law system.

Thank you for your consideration of DAS's views on this bill.